
Name Bar Number

Address

City, State ZIP

Telephone

vs.

Plaintiff,

Defendant.

)
)
) Affidavit of Garnishee as to
) Continuing Garnishment (Wages)
)
)

) Civil Number: _____
)
)

) Judge: _____
)

STATE OF UTAH)

: ss

COUNTY OF)

The undersigned, being duly sworn, hereby states the following:

1. The undersigned is the garnishee or person authorized to execute this document and make this verification on behalf of garnishee.
2. The garnishee is indebted to the defendant for personal services (work) rendered during the period of _____ to _____ (the Pay Period).
3. The garnishee was served with a Writ of Continuing Garnishment in the above-referenced matter on _____, _____ and said Writ was in effect as of the last day of the Pay Period.
4. The garnishee previously mailed by first class mail or hand delivered a copy of the Answers to Interrogatories, Notice of Garnishment and Exemptions and two (2) copies of the Request for Hearing to the Defendant.
5. The following computation details the amount of the defendant's pay that has been held for the Pay Period:

(a) Gross earnings or income for the Pay Period \$_____

(b) Less deductions for taxes and other items REQUIRED BY LAW to be deducted from above amount:

Federal income tax	\$ _____
FICA	\$ _____
State income tax	\$ _____

(c) Total of these deductions \$ _____

(d) Disposable earnings or income (Item "a" minus Item "c") \$ _____

(e) Exempt amount (to be paid to employee): greater of 1, 2 or 3 below.

1. 75% of Defendant's total disposable earnings or income (Item d) \$ _____

or

2. \$127.50 times the number of weeks in the pay period \$ _____

or

3. Defendant's disposable earnings or income (Item d) minus the amount owed on the judgment as shown on the Writ of Garnishment: \$ _____

(f) AMOUNT ATTACHED BY THIS GARNISHMENT
(Item (d) above minus exempt amount as determined in Item (e) above) \$ _____

6. The garnishee [] has [] has not retained or deducted from the amount attached above any amount in payment, in full or in part, of a debt owed by the defendant or plaintiff to garnishee. If an amount has been retained, such is amount is \$ _____.

7. The garnishee will provide notice to the defendant of the amount attached by this garnishment.

8. The garnishee provided a copy of this Affidavit to the following other persons:

Person	Address	Date mailed or delivered
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. The amount attached for the Pay Period by this garnishment has been mailed by first class mail or hand delivered to (mark one):

[] the Plaintiff in this action.
[] the Plaintiff's Attorney.
[] the Court.

Signature of Garnishee or Authorized
Signature on Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19_____.

NOTARY PUBLIC

My commission expires:_____

Name Bar Number

Address

City, State ZIP

Telephone

Plaintiff,) WRIT OF CONTINUING

vs.) GARNISHMENT (Wage)

Defendant.) Civil Number: _____
Garnishee(s))

Judge: _____

THE STATE OF UTAH TO GARNISHEE:

You are hereby ordered by the Court to hold a portion of Defendant(s)' pension, wages or other income (not to exceed the outstanding amount owed on the judgment or order and court approved costs in this matter, being \$ _____) due at the next payday and continuing at each payday thereafter for a period of 120 days from the date this Writ was served upon you or, in the case of multiple garnishments, from the date this garnishment becomes effective, as calculated pursuant to the attached questions, which are called Interrogatories or the attached Affidavit of Garnishee as to Continuing Garnishment. To determine the income available for garnishment at the next (first) payday, you are required to answer the attached Interrogatories and file your answer with the Clerk of the Court within five (5) business days of the date this Writ is served upon you or, in the case of multiple garnishments, within five (5) business days after this Writ becomes effective. For each subsequent payday thereafter until the termination of this Writ, you are required to complete the attached Affidavit as to Continuing Garnishment (copy the attached Affidavit form for completion each payday) and file said Affidavit with the Clerk of the Court within five (5) business days after such payday. The address of the Clerk is: _____. You are also required to send a copy of your initial Interrogatory answers and subsequent Affidavits to the Plaintiff at the following address: _____.

MULTIPLE WRITS OF CONTINUING GARNISHMENT may be served upon you for the same Defendant. Only one Writ of Garnishment (continuing or otherwise), may be in effect and satisfied at one time. When more than one Writ of Garnishment is served upon you against earnings due to the same Defendant, the Writs shall be satisfied in the order of service on you. If this Writ of Continuing Garnishment is served upon you while a previous Writ is still in effect, you shall respond to this Writ with a statement that you have been served previously with one or more Writs of Garnishment against earnings and you shall specify the date on which all Writs previously served are expected to terminate.

If you fail to answer the Interrogatories or to file subsequent Affidavits as set forth above, the judgment creditor may ask the Court to make you pay the amount you should have withheld.

If you owe or will owe money to the Defendant(s) which are subject to this Writ, you shall immediately mail by first class mail a copy of the Writ and your initial Interrogatory answers, the Notice of Garnishment and Exceptions and two (2) copies of the Request for Hearing to the Defendant(s) at the last known address of the Defendant(s) shown on your records at the time of the service of this Writ. In lieu of mailing, you may hand deliver a copy of these documents to the Defendant(s). In the case of multiple garnishments, this mailing or delivery to Defendant (s) shall occur immediately after this Writ becomes effective. You shall provide notice to the Defendant (s) of amounts attached in subsequent pay periods.

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YOU MAY DELIVER to the officer serving this Writ the portion of Defendant(s)' earnings or income to be held at the next payday as shown by your answers. You may, in the alternative, send the money to the Court, to the Plaintiff or to the Plaintiff's attorney or hold the money until further order of the Court. The portion of Defendant(s)' earnings or income held at each subsequent payday as shown by the applicable Affidavit may be sent to the Court, to Plaintiff, or to Plaintiff's attorney.

YOU SHALL PAY to Defendant(s) the portion of Defendant(s)' earnings or income which are not held by this Writ of Garnishment at the time the same is normally paid to Defendant(s).

ISSUED this _____ day of _____, 199____.

CLERK OF THE COURT

By: _____
DEPUTY CLERK

Name	Bar Number
Address	
City, State ZIP	
Telephone	

Interrogatories To Garnishee
(Earnings for Personal Services)
Continuing Garnishment

STATE OF UTAH)
 : ss
COUNTY OF)

(Give your answers in the spaces provided and attach additional sheets if necessary.)

1. Is the Defendant employed by you or does Defendant render services for you?

ANSWER: Yes _____ No _____

2. (a) What is Defendant's pay period?

ANSWER: Weekly Biweekly Semi-monthly Monthly Other

(b) What is Defendant's hourly or periodic rate of pay or other manner of compensation?

ANSWER: _____

(c) What is the date of the Defendant's next payday?

ANSWER: _____

(d) On what date(s) of the month does Defendant receive regular pay?

ANSWER: _____

____ (e) On what date(s) of the month does Defendant receive other payment(s) from you (for example, bonus, commission, per diem, reimbursement of expenses, vacation pay, etc.)? Identify the type of payment associated with each such payment date.

ANSWER: _____

3. Do you owe the Defendant money for personal services (work)?

ANSWER: Yes _____ No _____

4. If your answer is yes, figure out as explained below the amount of Defendant's pay that must be held. Assume that you are calculating this on the last day of the pay period.

ANSWER:

(a) Gross earnings or income for the pay period during which this Writ of Garnishment was served. \$ _____

(b) Less deductions for taxes and other items REQUIRED BY LAW to be deducted from above amount:

Federal income tax	\$ _____
FICA	\$ _____
State income tax	\$ _____
Any other amounts required by law to be deducted (Identify) _____	\$ _____

(c) Total of these deductions \$_____

(d) Disposable earnings or income (Item "a" minus Item "c") \$_____

(e) Exempt amount (to be paid to employee): greater of 1, 2 or 3 below.

1. 75% of Defendant's total disposable earnings or income (Item d) \$_____

or

2. \$127.50 times the number of weeks in the pay period \$_____

or

3. Defendant's disposable earnings or income (Item d) minus the amount owed on the judgment as shown on the Writ of Garnishment: \$_____

(f) AMOUNT ATTACHED BY THIS GARNISHMENT
(Item (d) above minus exempt amount as determined in Item (e) above) \$_____

5. Do you know of any other employment, income or income-producing activities of the Defendant? If so, please explain.

ANSWER: _____

6. Other than as set forth above, are you indebted to Defendant?

ANSWER: _____

7. Do you know of any debts owing from any other person to Defendant?

ANSWER: _____

DESCRIPTION: _____ VALUE: _____

8. Have you retained or deducted from the property or money in which you are indebted to Defendant(s) any amount in payment, in full or in part, of a debt owed by Defendant(s) or Plaintiff(s) to you?

ANSWER: _____

9. If so, state the amount so retained or deducted and the person indebted for whom the amount has been retained or deducted.

ANSWER: _____

(RETURN ORIGINAL TO COURT)

Name	Bar Number
------	------------

Address

City, State ZIP

Telephone

AFFIDAVIT OF GARNISHEE

(Must be Attached to Interrogatories)

STATE OF UTAH)
 : ss
COUNTY OF)

I do swear or affirm that I am the garnishee or person authorized to execute this document and make this verification on behalf of garnishee and that the answers to the foregoing interrogatories are true to the best of my information and belief.

I also swear or affirm that I mailed by first class mail, or hand-delivered a copy of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and two (2) copies of a Request for Hearing, to the Defendant at:

Address	City	State	Zip	Date Mailed
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or hand-delivered to the Defendant at:

Place	Date Delivered
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I also swear or affirm that the following other persons were also provided a copy of the Writ of Garnishment, Answers to Interrogatories, Notice of Garnishment and Exemptions, and Request for Hearing:

Person	Address	Date mailed (If mailed)	Date delivered (If delivered)

Signature of Garnishee or Authorized
Signature on Behalf of Garnishee

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19_____.

NOTARY PUBLIC
My commission expires:_____

(RETURN ORIGINAL TO COURT)

Name	Bar Number
Address	
City, State ZIP	
Telephone	

Instructions To Garnishee

You are required to answer in detail the interrogatories hereinafter set forth, to file your verified answers with the Clerk of the Court and mail a copy of such answers to each addressee appearing on the stamped envelope(s) attached within five (5) days from the date that this Writ of Continuing Garnishment was served upon you or, in the case of multiple garnishments, from the date this garnishment becomes effective. In addition, for each subsequent pay period of the defendant for a period of 120 days from the date this Writ was served upon you or becomes effective, you are required to fill out the attached Affidavit of Garnishee as to Continuing Garnishment and file the same with the Clerk of the Court and to mail a copy to the plaintiff in this matter. When more than one Writ of Continuing Garnishment is served upon you for earnings due to the same defendant, Writs shall become effective and shall be satisfied in the order of service upon you. In the event you fail to answer the interrogatories or file the Affidavits, the creditor may apply to the court for relief against you.

If you owe or will owe money or property to the debtor, at the time you file your verified answers you are further required to immediately deliver or mail, by first class mail, a copy of the Writ of Garnishment and your Answers to the Interrogatories, the Notice of Garnishment and Exemption and two (2) copies of the Request for Hearing to the Debtor at the last known address of the debtor shown on your records at the time of the service of this Writ.

YOU MAY DELIVER to the officer serving this Writ the portion of Defendant(s)' earnings or income to be held at the next payday as shown by your answers. You may, in the alternative, send the money to the Plaintiff or the Plaintiff's attorney or hold the money until further order of the Court. The portion of Defendant(s)' earnings or income held at each subsequent payday as shown by the applicable Affidavit may be sent to the Court, to the Plaintiff, or to Plaintiff's attorney.

You shall pay to debtor(s) the portion of debtor(s)' earnings or income which are not held by this Writ of Garnishment at the time the same is normally paid to debtor.

Name	Bar Number
Address	
City, State ZIP	
Telephone	

Notice Of Garnishment And Exemptions

IMPORTANT: YOUR MONEY MAY BE TAKEN TO PAY A CREDITOR. PLEASE READ THIS CAREFULLY.

The attached Writ of Garnishment and Answers to Garnishee Interrogatories have been issued on request of a creditor (the Plaintiff) who sued you and won and got a judgment against you (or a prejudgment Writ of Garnishment has been issued against you). This means that money held for you by the garnishee (such as your bank or employer) may be taken by the Plaintiff to pay a judgment against you. If you are not sued but own an account with someone who was sued, read this Notice too.

The law provides that certain money cannot be taken to pay judgments. Such money is said to be exempt. The following is a partial list of funds that are exempt:

1. Social Security Benefits
2. Supplemental Security Income Benefits (SSI)
3. Veterans' Benefits
4. Unemployment Benefits
5. Workers' Compensation Benefits
6. Public Assistance (Welfare)
7. Alimony or Child Support
8. Certain Pensions
9. Part of your wages (all of your wages if the Writ of Garnishment is issued prior to any judgment being rendered against you)
10. Property or money of a person who did not have a judgment entered against them.

There may be additional exemptions. There is no exemption solely because you are having difficulty paying your debts.

The above exemptions may not apply to judgments for alimony and child support.

The law also recognizes that if the money or property taken belongs to you but the judgment is not against you, your money should not be taken.

If you are a co-owner of the property taken, you should request a hearing to protect your share.

IF THE MONEY IN AN ACCOUNT DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS MONEY SHOULD NOT BE TAKEN, YOU MAY WANT TO CONSULT AN ATTORNEY.

Because of the garnishment, your place of employment or your financial institution or other person was required to hold the amount of money claimed by the Plaintiff. This means that you may not now withdraw or get this money.

If you believe that the Writ of Garnishment was issued improperly, that the answers to Interrogatories are inaccurate, or you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of ten (10) days from the date the Plaintiff mailed or delivered this notice to you.

1. If funds in your account were garnished, on the attached "Request for Hearing" check the appropriate box(es) in paragraph one.
2. If your wages were garnished, on the attached "Request for Hearing" check the appropriate box(es) in paragraph two.
3. Sign your name in the space indicated and write the address where the Court Clerk is to notify you of the hearing.

A KNOWINGLY-MADE FALSE STATEMENT ON THE FORM MAY SUBJECT YOU TO CRIMINAL PENALTIES.

4. Mail or take the "Request for Hearing" to the Court Clerk within ten (10) days from the date this Notice was mailed or delivered to you. Keep the second copy of the "Request for Hearing" for your records. The Court Clerk will set the matter for hearing and notify you. You have the right to a hearing within ten (10) days from the date the Court Clerk receives your claim. At the hearing in Court, you will have to prove that your money is exempt. You should bring any documents which may help to prove your money is exempt.

You may want to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court at the designated time and prove that the garnishment was issued improperly, that the answers to interrogatories are inaccurate or that your money is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but believe that the garnishment was issued improperly, that the answers to interrogatories are inaccurate or that you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you by filing papers with the Court.

Name Bar Number

Address

City, State ZIP

Telephone

vs.)
Plaintiff,)
) REQUEST FOR HEARING
)
)
)
Defendant.) Civil Number: _____
Garnishee(s))
) Judge: _____
)

1. Complete paragraph one if funds in your account were garnished:

[] (a) I believe that the writ of garnishment was issued improperly. (Explain)_____

[] (b) I believe that the Answers to Interrogatories are inaccurate. (Explain)_____

[] (c) The funds in my account are exempt from garnishment because they are (check applicable boxes):

- [] Social Security Benefits
- [] Supplemental Security Income (SSI)
- [] Veterans' Benefits
- [] Unemployment Benefits
- [] Workers' Compensation Benefits
- [] Public Assistance (Welfare)
- [] Alimony or Child's Support
- [] Pensions
- [] Wages or other earnings from personal services
- [] Owned by another person

☐ Partly owned by me
☐ Other (describe)_____

☐ (d) Check one box:
☐ All funds in my account are exempt.

OR

☐ I believe the following amount of money in my account is exempt
\$_____ (fill in amount of funds you believe to be exempt).

☐ (e) Check if applicable: I claim ownership of all or part of the money or property taken and I am not one of the persons against whom a judgment has been entered.

☐ (f) Check if applicable: I have attached copies of the documents that show that my money is exempt.

2. Complete paragraph two if all or part of your wages were garnished.

☐ (a) I believe that the writ of garnishment was issued improperly. (Explain)_____

☐ (b) I believe that the Answers to Interrogatories are inaccurate. (Explain)_____

☐ (c) I believe that all or part of my wages are exempt from garnishment. (Explain)_____

I REQUEST THAT THIS MATTER BE SET FOR A HEARING. THE STATEMENTS
MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED this _____ day of _____, 19 _____.

Signature

Address:

Telephone No: _____

